

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION

This document relates to:

*The County of Cuyahoga v. Purdue  
Pharma L.P., et al.,*  
Case No. 17-OP-45004

MDL No. 2804

Case No. 1:17-md-2804

Hon. Dan Aaron Polster

**DECLARATION OF JOHN J. HAGGERTY  
IN SUPPORT OF DEFENDANT PRESCRIPTION SUPPLY INC.'S  
MOTION TO STRIKE IN PART PLAINTIFF'S THIRD AMENDED COMPLAINT**

I, John J. Haggerty, declare and state as follows:

1. I am an attorney licensed to practice law in the State of Ohio and a partner at Fox Rothschild LLP. As lead counsel for Defendant Prescription Supply Inc. in this litigation, I have personal knowledge of the facts set forth in this declaration and if called as a witness could testify competently thereto.

2. Prescription Supply is not a subsidiary of Allergan, PLC.

3. I entered an appearance on the master docket as "additional counsel" for Prescription Supply on October 29, 2018. *See* ECF No. 1064. On December 22, 2018, Prescription Supply's original counsel moved to withdraw from this multidistrict litigation. ECF No. 1214. The Court granted that relief on December 26, 2018, at which time I became lead counsel for Prescription Supply.

4. Until today, no attorney had ever entered an appearance for Prescription Supply in this action. By contrast, I entered an appearance on the Summit County docket (ECF No. 104) and the master docket (ECF No. 1064) on October 29, 2018.

5. Relying on the Federal Rules of Civil Procedure, Prescription Supply did not conduct defensive discovery in this action to prepare for summary judgment and trial against Cuyahoga County because the company was not named in the caption of Cuyahoga County's Second Amended Corrected Complaint.

6. Prescription Supply did not, for example, subpoena pharmacies in Cuyahoga County alleged to have placed suspicious orders, or retain an expert to opine on Prescription Supply's monitoring for suspicious orders placed in Cuyahoga County.

7. As of the date and time of this filing, Prescription Supply has not yet been served with a copy of the Third Amended Complaint under Federal Rule of Civil Procedure 4.

8. Although my office corresponded and conferred with counsel for Cuyahoga County regarding this motion, we were unable to resolve the dispute.

9. I have attached as Exhibit 1 a true and correct copy of my letter to counsel for Cuyahoga County of May 17, 2019 notifying the county of the naming of Prescription Supply without leave of Court.

10. I have attached as Exhibit 2 a true and correct copy a letter from counsel for Cuyahoga County of May 22, 2019 responding to my correspondence of May 17, 2019.

11. I have attached as Exhibit 3 a true and correct copy of my letter to counsel for Cuyahoga County of May 23, 2019 replying to their correspondence of May 22, 2019.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 24<sup>th</sup> day of May 2019 in Warrington, Pennsylvania.

/s/ John J. Haggerty  
John J. Haggerty